REMARKS

Claims 1-39 and 41 are pending in the present application, with claims 1, 8, 14, 21, 24, and 36 being the independent claims. Claims 1, 14, 21, and 36 are amended. Claim 40 is hereby canceled without prejudice or disclaimer. No new matter has been added.

In the Office Action dated April 30, 2008, the specification is objected to because of informalities. Claims 1, 14, and 36 are objected to because of informalities. Claims 24-36 are rejected under 35 U.S.C. §101. Claims 1 and 39-41 are rejected under 35 U.S.C. §112. Claims 1-41 are rejected under 35 U.S.C. §103(a). The outstanding rejections to the claims are respectfully traversed.

Examiner Interview

Applicants thank Examiner Clark and Examiner Vu for conducting an interview with Applicants' undersigned representative on July 21, 2008. The Examiners and Applicants' representative discussed the subject matter of the present applications and the application of the cited references to the claims. The arguments and amendments set forth herein are believed to overcome the cited art.

Objections to the Specification and Claims

In the Office Action, paragraphs [0001], [0023], [0046], and [0067] of the specification of the present application are objected to because of informalities. Specifically, the Office Action states that these paragraphs are missing patent application numbers. Paragraphs [0001], [0023], [0046], and [0067] are herein amended to include patent application numbers.

The specification is further objected to because it contains an embedded hyperlink in paragraphs [0039]-[0040]. Applicants respectfully traverse this objection. Paragraphs [0039] and [0040] do not contain hyperlinks or browser-executable code. Rather, paragraphs [0039] and [0040] contained text indicative of links. The text is not an active hyperlink. Selecting the text will not activate a browser that will take the user to another site. MPEP § 608.01, which the

Examiner cites in support of this objection, is not directed to a textual description of a hyperlink. MPEP § 608.01 is directed to active hyperlinks that will take a user to another cite and to the use of active hyperlinks to incorporate subject matter by reference. Further, the textual description of hyperlinks recited in paragraphs [0039]-[0040] are necessary to be included in the patent application in order to meet the requirements of 35 U.S.C. 112, first paragraph. Thus, even if active hyperlinks where utilized, their use would be proper as explained in Note 4 of paragraph 7.29.04 in MPEP §608.01 VII. The textual descriptions of hyperlinks are included in these paragraphs for their own content, and are used for example purposes. These textual descriptions of hyperlinks are not included as references to the content of the sites to which the hyperlinks may be directed. Applicants do not intend to have these hyperlinks be active links. For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding objections to the specification.

Claims 1, 14, and 36 are objected to because of informalities. Specifically, the Office Action states that it is not clear from the preamble of these claims whether the claims are directed to an apparatus or a method. Applicants have amended claims 1, 14, and 36 to clarify the claimed subject matter. Applicants respectfully request reconsideration and withdrawal of the outstanding objections to claims 1, 14, and 36.

Rejections under 35 U.S.C §101

Claims 24-35 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants respectfully traverse this rejection. Specifically, the Office Action states "Applicant is reminded that computer code, in the instant case said data structure of computer readable medium, is non-statutory subject matter." Applicants respectfully submit that this assertion in the Office Action is inconsistent with the MPEP and relevant law related to data structures contained in a computer readable medium. Applicants respectfully direct the Examiner to MPEP §2106.01: "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive

material to be realized." Applicants also direct the Examiner to MPEP §2106.01 I: "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." Reconsideration and withdrawal of the rejection of claims 24-35 under 35 U.S.C. §101 is respectfully requested.

Rejections under 35 U.S.C §112

In the Office Action, claim 40 is rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the enablement requirement. The Office Action asserts that the subject matter of claim 40 is not described in the specification. Applicants hereby cancel claim 40 without prejudice or disclaimer.

In the Office Action, claim 1 is rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action states claim 1 is unclear as to which elements of the system are performing the features of the claim. Claim 1 has been amended to recite a method, and as such does not describe the functions of a system. Applicants submit that reciting the system element that performs each feature of a method claim is not necessary to point out and distinctly claim the subject matter of a method claim.

The Office Action also states that the term "portion" in claim 1 is unclear. Claim 1 has been amended to recite "an indication of content provided by the content provider and selected by the user for sharing with the recipient." Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §112 is respectfully requested.

In the Office Action, claims 39-41 and 3 are mentioned in the rejection that states that the term "optionally" renders the claim indefinite. Applicants note that claims 39-41 and 3 do not recite the term "optionally." The only pending claim reciting the term "optionally" is claim 36, which Applicants are assuming was the intended object of the rejection. Claim 36

has been amended to remove the term "optionally." Reconsideration and withdrawal of the
rejection of claim 36 under 35 U.S.C. §112 is respectfully requested.

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Rejections under 35 U.S.C §103

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In the Office Action, claims 1-5, 7-11, 13-21, 23-28, and 3-35 are rejected under 35
U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 7,200,680 issued to Evans
et al. (hereinafter referred to as "Evans.") Applicants respectfully traverse this rejection.

Claim 1 has been amended to further clarify the claimed subject matter. Claim 1 recites
the feature of "receiving a request message, wherein the request message is configured, at least
in part, by the content provider and includes an indication of content provided by the content
provider and selected by the user for sharing with the recipient." The Office Action asserts that
Evans, column 4, line 64 through column 5 line 5 discloses wherein the user selected at least a
portion of the content for sharing with the recipient. Applicants respectfully disagree. The
cited portion of Evans disclose actions on the part of the user receiving Evans' multimedia
message. "When the user wants to receive the multimedia message 222, he or she sends a
retrieve message 232 from the **receiving user's terminal**." Evans column 4, lines 64-67. This
is different than the user selected at least a portion of the content for sharing with the recipient.
Moreover, this section of Evans does not disclose "receiving a request message, wherein the
request message is configured, at least in part, by the content provider and includes an
indication of content provided by the content provider and selected by the user for sharing with
the recipient."

The Office Action further asserts that Evans, column 5, line 54, discloses "a specific
resource locator identifying a device-dependent portion of the content" as claimed in claim 1.
Applicants respectfully disagree. The cited portion of Evans describes a GET request for
"delivery of the multimedia message from the incompatible terminal." Evans column 5, lines
54-56. A GET request for delivery of a multimedia message is not the same as a specific
resource locator identifying a device-dependent portion of the content. The Office Action also
asserts that Evans column 5, line 47 discloses "a generic resource locator identifying a non-

device-dependent portion of the content, wherein the non-device-dependent portion of the content is configured for multiple devices." Applicants respectfully disagree. This section of Evans describes "The MMCP 202 notifies (messages 304 and 306 (sms(http://wlts12/lts?url="http://mms1/msg1")) the incompatible terminal 210 that the multimedia message is available via the message gateway." Evans column 5, lines 46-49. Sending a notification that a multimedia message is available is not the same as a generic resource locator identifying a non-device-dependent portion of the content, wherein the non-device-dependent portion of the content is configured for multiple devices."

The Office Action further asserts that Evans column 7, lines 7-9 disclose "based on the recipient identification information" "determining whether the recipient's mobile device and the user's mobile device are in the same class." Applicants respectfully disagree. The cited portion of Evans discloses determining the model of a target device or browser by checking for matches against device model criteria. Evans column 7, lines 7-14. Evan's device model criteria does not include the model or type of device used be a recipient. Nowhere in the cited sections of Evans is a comparison, match, or determination made as to whether a recipient's mobile device and a user's mobile device are in the same class, of the same type, or similar in any way. Therefore, Evans does not describe or suggest **determining whether the recipient's mobile device and the user's mobile device are in the same class**.

Because Evans does not disclose determining whether the recipient's mobile device and the user's mobile device are in the same class, Evans cannot disclose "where the recipient's mobile device and the user's mobile device are in the same class, generating a specific content message for transmittal to the recipient's mobile device" as asserted in the Office Action. The cited section of Evans (column 7, lines 14-19) describes sending a message based on a match found using device model criteria. This is not the same as generating a message where **the recipient's mobile device and the user's mobile device are in the same class**. Moreover, Evans sends a message to Evans' "Horiz WAP". While Evans fails to describe this element or even mention the "Horiz WAP" element number (406) in Evans' specification, is it clear from a reading of Evans that Evans' "Horiz WAP" is not the same as a recipient's mobile device.

Figure 3C, which contains element 406 "Horiz WAP" is "a sequence diagram illustrating target device or browser handling and model determination during the rendering sequence of FIG. 3B." Evans column 7, lines 7-9. Figure 3B is a "a sequence diagram illustrating a rendering sequence 316 during the multimedia message process of FIG. 3A." Evans column 6, lines 14-16. Figure 3A clearly shows that element 316 occurs completely within the multimedia client proxy ("MMCP", Evans' element 202.) Therefore, the cited sections of Evans do not disclose "where the recipient's mobile device and the user's mobile device are in the same class, generating a specific content message for transmittal to the recipient's mobile device."

Likewise, because Evans does not disclose determining whether the recipient's mobile device and the user's mobile device are in the same class, Evans cannot disclose "where the recipient's mobile device and the user's mobile device are not in the same class, generating a generic content message for transmittal to the recipient's mobile device, wherein the generic content message includes the generic resource locator but not the specific resource locator." As stated above, Evans does not determine whether the recipient's mobile device and the user's mobile device are in the same class. Moreover, Evans column 5, line 47 does not disclose "wherein the generic content message includes the generic resource locator but not the specific resource locator" as asserted in the Office Action. This portion of Evans discloses that Evans' MMCP notifies "the incompatible terminal 210 that the multimedia message is available via the message gateway." Evans column 5, lines 46-49. This is not the same as generating a generic content message for transmittal to the recipient's mobile device, wherein the generic content message includes the generic resource locator but not the specific resource locator.

For at least these reasons, Evans does not disclose or suggest the subject matter of claim 1. Therefore, the Examiner has not shown that Evans renders obvious the subject matter of claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a).

In regard to the rejection of claim 8, the Office Action asserts that Evans, column 5, lines 20-35 discloses "means for generating a user-selectable share content link as part of content available for access by users of mobile devices, wherein the user-selectable share content link facilitates sharing the content with other users of mobile devices." Applicants respectfully disagree. The cited section of Evans describes a process that "allows a user with a WAP or HTML browser to **retrieve** a multimedia message from the MMC." Evans column 5, lines 21-23. Retrieving a message is not the same as sharing the content with other users of mobile devices.

The Office Action further asserts that Evans' GET message (column 5, line 54) discloses "a first identifier identifying a first portion of the content configured for a device having specific capabilities." Applicants respectfully disagree. Evans' GET message is a request received from a requesting device, not an indication of content available for access by users of mobile devices in the user-selectable share content link. Therefore, Evans' GET message does not disclose or suggest a first identifier identifying a first portion of the content configured for a device having specific capabilities. The Office Action also asserts the Evans' column 6, lines 26-27 discloses "a second identifier identifying a second portion of the content configured for multiple devices each having different capabilities." Applicants respectfully disagree. The cited section of Evans recites "The multimedia message will be rendered with all parts that the browser/target device supports. Some parts, such as a picture, may be converted to a format compatible with the browser. Message parts that cannot be rendered will be noted to the user." This section of Evans is clearly not disclosing or suggesting an identifier of any type. Noting to a user that parts of a message cannot be rendered is not the same as a second identifier identifying a second portion of the content configured for multiple devices each having different capabilities.

For at least these reasons, Evans does not disclose or suggest the subject matter of claim 8. Therefore, the Examiner has not shown that Evans renders obvious the subject matter of claim 8. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §103(a).

Claim 14 recites "determining whether the first user device and the second user device have compatible capabilities." Applicants submit that this element is not disclosed or suggested by the cited art. As set forth above, Evans describes determining the model of a target device or browser by checking for matches against device model criteria. This is not the same as determining whether the first user device and the second user device have compatible capabilities.

Because Evans does not disclose determining whether the first user device and the second user device have compatible capabilities, Evans cannot disclose or suggest "if the first user device and the second user device have compatible capabilities, then generating a specific content message including the information identifying the specific set of electronically communicated content; and if the first user device and the second user device do not have compatible capabilities, then generating a generic content message including the information identifying the general set of electronically communicated content." For at least these reasons, Evans does not disclose or suggest the subject matter of claim 14. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. §103(a).

Claim 21 recites "wherein a first wireless device user operating a first wireless device selects at least a portion of the identified content as content to be shared with a second wireless device user" and "wherein the content sharing application determines whether the first wireless device has capabilities compatible with a second wireless device." Applicants submit that this element is not disclosed or suggested by the cited art. As set forth above, Evans describes determining the model of a target device or browser by checking for matches against device model criteria. This is not the same as the content sharing application determines whether the first wireless device has capabilities compatible with a second wireless device. For at least this reasons, Evans does not disclose or suggest the subject matter of claim 21. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. §103(a).

Claim 24 recites "an indication of content to be shared, wherein the indication of the content to be shared is provided as a parameter associated with a user-selectable

option on a display description provided by a content provider." The Office Action
asserts that Evans, column 5, lines 33-48 discloses this element. Applicants respectfully
disagree. The cited section of Evans discloses determining a browser type in order to
render a message using the appropriate markup language, and notifying Evans' MMCP
that the message is available for delivery. The Office Action summarizes this section of
Evans as "wherein the browser type is determined so the message can be rendered using
the appropriate can be rendered using the appropriate markup language, such as WML or
HTTP, i.e. the display description, then the MMC notifies the user via the rendered
message for display, wherein the MMCP and MMC together correspond to the content
provider." Determining browser types, formatting message in a markup language, and
notifying a device that a message is available is not the same as an indication of content
to be shared, wherein the indication of the content to be shared is provided as a
parameter associated with a user-selectable option on a display description provided
by a content provider. Neither the cited section of Evans, nor the Examiner's summary
of Evans, discloses or suggests the subject matter of claim 24. Therefore, the Examiner
has not shown that Evans renders obvious the subject matter of claim 24. Accordingly,
Applicants respectfully request reconsideration and withdrawal of the rejection of claim 24 under
35 U.S.C. §103(a).

        In the Office Action, claims 36-41 are rejected under 35 U.S.C. §103(a) as allegedly
being unpatentable over Evans in view of U.S. Patent Application Publication No. 2004/0127251
issued to Thakkar et al. (hereinafter referred to as "Thakkar") in further view of U.S. Patent No.
7,343,168 issued to Valloppillil (hereinafter referred to as "Valloppillil.") Applicants
respectfully traverse this rejection.

        In regard to the rejection of claim 36, the Office Action asserts that Valloppillil discloses
"access the specific content by satisfying one or more conditions specified by the
content provider." Applicants respectfully disagree. The cited section of Valloppillil
(column 13, lines 9-19) describes the process of buying a cellular telephone or plan and discloses
gathering information from a customer and approving the customer through a credit check

process before activating the customer's service. This is not the same as, and appears to be entirely unrelated to, sharing content between two users. This section of Valloppillil does not disclose or suggest "access the specific content by satisfying one or more conditions specified by the content provider." Therefore, the Examiner has not shown that Evans renders obvious the subject matter of claim 36. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 36 under 35 U.S.C. §103(a).

Applicants acknowledge that the Office Action establishes additional grounds for rejection of the remaining claims, all of which are dependent upon claims 1, 8, 14, 21, 24, and 36, either directly or indirectly. However, in view of the amendments and traversals set forth with respect to independent claims 1, 8, 14, 21, 24, and 36, Applicants believe that all such dependent claims are in condition for allowance, rendering the rejection of those claims moot. Applicants believe that this response completely and accurately addresses all grounds of rejection. Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application, including claims 1-39 and 41, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: July 30, 2008

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